

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TIME WARNER CABLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-387-KAJ
)	
USA VIDEO TECHNOLOGY CORP.,)	
)	
Defendant.)	

**PLAINTIFF TIME WARNER CABLE INC.'S
MOTION TO ENJOIN DEFENDANT FROM PROCEEDING WITH
DUPLICATIVE LITIGATION IN THE EASTERN DISTRICT OF TEXAS**

Plaintiff Time Warner Cable Inc. hereby moves the Court to enjoin Defendant USA Video Technology Corp. from prosecuting its duplicative action in the United States District Court for the Eastern District of Texas, Case No. 2:06-CV-239, against Time Warner Cable Inc.

The reasons for this motion are set forth in Time Warner Cable Inc.'s answering brief in opposition to USVO's Motion to Dismiss, Stay or Transfer and in the declarations supporting the answering brief.

ASHBY & GEDDES

/s/ John G. Day

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Dated: September 7, 2006
172943.1

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September, 2006, the attached **PLAINTIFF TIME WARNER CABLE INC.'S MOTION TO ENJOIN DEFENDANT FROM PROCEEDING WITH DUPLICATIVE LITIGATION IN THE EASTERN DISTRICT OF TEXAS** was served upon the below-named counsel of record at the addresses and in the manner indicated:

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VIA FEDERAL EXPRESS

/s/ John G. Day

John G. Day